

EXHIBIT 70

BOARD OF CORRECTION

Correction Department Stops Sharing Timesheet Data with Oversight Board

How many officers are working double or triple shifts? Without the data, the Board of Correction won't be able to tell, a member says.

BY REUVEN BLAU |

JULY 18, 2023, 6:48 P.M. UPDATED JULY 19, 2023, 11:25 A.M.



Board of Correction Interim Chair Jacqueline Sherman attends a September meeting. Credit: Ben Fractenberg/THE CITY

The city Correction Department has abruptly stopped sharing officer timesheet data with a jail oversight board — making it impossible for the group to see how many officers are working double or triple shifts.

Jacqueline Sherman, a city Board of Correction member, flagged the new policy during the board's [monthly meeting](#) Tuesday while urging Correction Commissioner Louis Molina to restore the access for the board.

"In order to fulfill our responsibilities, we do need access to the records, and in this case this is timekeeping records," Sherman said.

Board Chair Dwayne Sampson then thanked Molina for testifying and called a five-minute break.

When the meeting resumed, the board went to a different topic and Molina seemed to have left.

"The department's abrupt decision to cut off access is part of a consistent and alarming pattern of shielding itself from outside scrutiny," said Lauren Stephens-Davidowitz, staff attorney with the Prisoners' Rights Project at The Legal Aid Society.

After the hearing, Latima Johnson, a department spokesperson, said the board has "access to whatever is needed upon request."

It's not the first time the Department of Correction (DOC) has abruptly withheld information that it previously released.

In January, Molina [blocked the board](#) from real-time access to hundreds of the department's video surveillance feeds inside city jails. That came days after a NY1 story [highlighted the plight](#) of detainee Erick Tavera, who died in custody in October after he was forcibly moved from a housing unit and sprayed with pepper spray. The TV segment used video surveillance obtained from the board via a Freedom of Information Law request.

In May, THE CITY reported the DOC suddenly [stopped issuing press releases](#) when an incarcerated person dies.

At the time, DOC chief spokesperson Frank Dwyer called that "a practice, not a policy."

Need to Know

At the board meeting on Tuesday, Molina defended the move, noting other correction departments he has worked for don't tell reporters when people in custody die. The department notifies the board, the New York attorney general, and the federal monitor, he added.

He also claimed the DOC changed its practice so it could give family members of people who died time to be notified and properly grieve.

"Most importantly we notify the next of kin ... so we can share the very devastating news," Molina added. "For the dignity of that person's family, and the dignity of their transition, we feel that we want to be able to empower the families."

The Correction Department previously only issued press releases after relatives were first notified.

Christopher Boyle, the director of data research and policy for Bronx Defenders, said it's "just false" that the DOC always first reaches out to the family members of people who are sick or die in custody.

"We had a death of one of our clients, [Joshua Valles](#), who was in the ICU for a very long while and [his family] was never contacted by the Department of Correction," Boyle said. "I think that's just a fallacy."

The DOC is also facing the possibility of a [federal judge](#) appointing a [so-called receiver](#) to take over the troubled agency.

As for the timesheets, toward the end of the de Blasio administration in 2021, the Correction Department dealt with a staffing crisis as up to 2,000 officers called out sick and injured each day.

Correction officers are entitled to what's known as "unlimited sick time" but must remain home or at a doctor's office. They are subject to in-home visits by jail investigators, who can become overwhelmed when the number of officers calling out sick surges.

Molina and his staff have made cutting officer absenteeism a priority. The number of officers calling out has dropped to below 100 each day, he testified before a City Council hearing earlier this year.

Triple Shifts

On Tuesday, Deputy Commissioner of Administration Ronald Edwards said that the agency has also tried to reduce the number of officers working 17 hours straight.

"I can assure you this is a priority for this administration to stop individuals from even entering a 17th hour," Edwards told the board, noting that some cases are "unavoidable," such as when officers move incarcerated people to hospitals.

"We try everything in our power to avoid that," he added.

The union representing correction officers has long criticized the department for forcing its members to work what are called triple shifts. Some of those officers are forced to sleep in their cars so they can be ready for their next shift, according to the Correction Officers Benevolent Association.

Edwards also told the board that tracking the number of officers working triple shifts is "ambiguous" because it is difficult to monitor when staff actually begin their tours.

Molina added the department currently has 600 correction officer vacancies, which has made it difficult to reduce overtime.

"It's not just about delineating and defying what's a triple [shift]," Molina said. "But what is the solution to make sure that people are not going into triples, which have been significantly reduced under this administration.

"I would prefer people don't go a minute into a triple," he added. "I would prefer people don't go into doubles."

Steve Martin, the federal monitor tasked with overseeing Rikers as part of a sweeping 2015 settlement, noted in his [latest report](#) that overtime has been high since Molina took over in January 2022.

“Using overtime to address chronic staffing issues, as this department does, has significant fiscal consequences and an obvious negative impact on staff wellness and morale,” Martin wrote in his eighth report since 2015.

DOC’s monthly overtime costs have gone up by 24% during the past 18 months, from \$18 million in January 2022 compared to \$23 million in May 2023, according to Martin.

© 2023 THE CITY REPORT, INC. ALL RIGHTS RESERVED.

PROUDLY POWERED BY NEWSPACK BY AUTOMATTIC